

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

ROBERT G. LOPEZ, an individual,

Plaintiff,

v.

TRUE RELIGION SALES, LLC,  
CHARI&CONYC, LLC,  
PROJECT SOCIAL T, LLC,  
BOWERY APPAREL, LLC,  
PINT SIZE INK, INC., and  
SPEEDY ROMEO, LLC

Defendants.

18 CV 10595

Civil Action No.

JURY TRIAL DEMANDED

JUDGE RAMOS

**COMPLAINT FOR TRADEMARK INFRINGEMENT,  
UNFAIR COMPETITION AND RELATED CLAIMS**

Plaintiff, Robert G. Lopez, alleges his complaint against Defendants, True Religion Sales, LLC ("True Religion"), Chari&CoNyc, LLC (Chari & Co.), Project Social T, LLC, Bowery Apparel, LLC, Pint Size Ink, Inc. ("PSI") and Speedy Romeo, LLC as follows:

**NATURE OF THE ACTION**

1. This action arises from Defendants infringement of Plaintiff's "ownership" and exclusive "use" rights in the marks, **LOWER EAST SIDE™** and **LES NYC®**, in conjunction with clothing and related goods. Despite Plaintiff being the registered owner of the trademark **LOWER EAST SIDE™** and **LES NYC®** and offering various clothing items under such brand names, the Defendants have infringed Plaintiff's rights in the aforementioned marks by manufacturing, printing, producing, promoting, selling, and offering for sale clothing items including and under Plaintiff's trademarks. Plaintiff has already experienced "actual confusion" in connection with this matter and is likely to continue to experience confusion as to the

affiliation or connection between the Defendants and Plaintiff resulting in the unjust enrichment of Defendants by using Plaintiff's registered trademarks.

### **JURISDICTION AND VENUE**

2. This Court has jurisdiction over this action pursuant to 15 U.S.C. §1051 *et seq.*, 15 U.S.C. Sections 1114-1116; under Section 43(a) of the Trademark Act, 15 U.S.C. §1125(a), Section 43(c) of the Trademark Act, 15 U.S.C. §1125(c), and 28 U.S.C. §1367.

3. This Court has personal jurisdiction over the Defendants because Defendants engage in continuous and significant business activities in, and directed to the State of New York within this judicial district and because Defendants have committed tortuous acts aimed at and causing harm within the State of New York and this judicial district.

4. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b) and (c) because it is where Plaintiff resides and the Defendants transacts business in this district, and because a substantial portion of the events giving rise to the asserted claims have occurred, and continue to occur, within this district. Furthermore, the damage to Plaintiff and its intellectual property described herein continues to occur in this judicial district.

### **THE PARTIES**

5. Plaintiff, Robert G. Lopez is an individual residing at 230 Clinton Street, Apt. #11C, New York, NY 10002.

6. Upon information and belief, Defendant True Religion Sales, LLC is a Delaware Limited Liability Company with a principal place of business at 1888 Rosecrans Ave, Manhattan Beach, California 90266.

7. Upon information and belief, Defendant Chari&CoNyc, LLC is a New York Limited Liability Company with a principal place of business at 175 Stanton Street, New York, New York 10002.

8. Upon information and belief, Defendant Project Social T, LLC is a California Limited Liability Company with a principal place of business at 3368 Cabrillo Blvd., Los Angeles, California 90066.

9. Upon information and belief, Defendant Bowery Apparel, LLC is a Florida Limited Liability Company with a principal place of business at 19930 NE 15<sup>th</sup> Court, Miami, Florida 33179.

10. Upon information and belief, Defendant Pint Size Ink, Inc., is a New York corporation with a principal place of business at 186 Orchard Street, New York, New York 10002.

11. Upon information and belief, Defendant Speedy Romeo, LLC is a New York Limited Liability Company with a principal place of business at 63 Clinton Street, New York, New York 10002.

### **FACTS**

12. Since at least as early as 1997, Plaintiff Robert G. Lopez has been selling headwear, t-shirts, sweaters, hooded sweatshirts and other clothing items under the **LOWER EAST SIDE™** and **LES NYC®** brand names.

13. Since at least as early as 1999, Plaintiff has been independently operating a clothing business under the trade name **L.E.S. CLOTHING CO.™**, which has sold headwear, t-shirts, sweaters, hooded sweatshirts and other related clothing items under the marks **LOWER EAST SIDE™**, **LES™** and **LES NYC®**. Since at least as early as 2010, Plaintiff has also been selling clothing items under the mark **LOYALTY EQUALS STRENGTH™** which is an additional representation of what the **LES™** acronym stands for and represents.



14. In addition to selling and offering for sale clothing items under the **LOWER EAST SIDE™**, **LES NYC®**, **LES™** and **LOYALTY EQUALS STRENGTH™** brand names, Plaintiff has also continuously sold and offered for sale various clothing items including caps, hooded sweatshirts and t-shirts which bear the **THE LOWER™**, **LOWER EAST SIDE™**, **LES™** and **LES NYC®** marks in various font and design styles which are prominently



displayed on the front and/or back of the headwear, t-shirts and/or sweaters as well as printed on hang tags, clothing labels, stickers and on clothing product packaging materials.

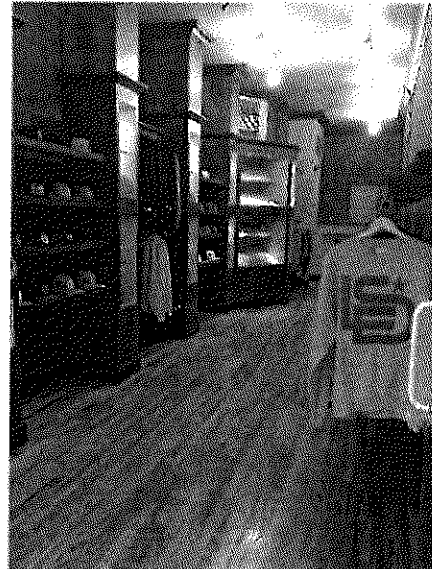
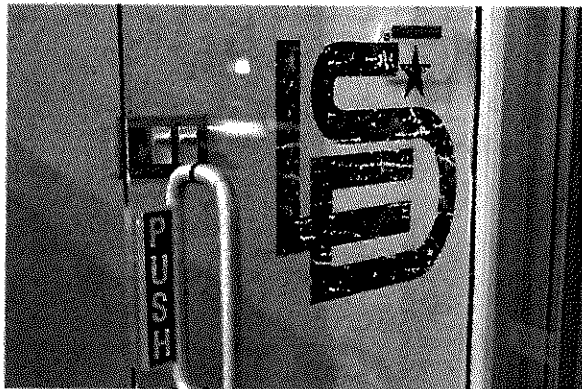
15. Plaintiff uses the ®, ™ and © symbols on product packaging materials, hang tags, and on promotional materials such as flyers, banners, business cards, etc. to put the public on constructive notice that Plaintiff is claiming trademark rights in the **LOWER EAST SIDE™** and **LES NYC®** brand names. Plaintiff also uses the aforementioned copyright symbol to also put the public on constructive notice that he is claiming copyright in some of the specific **LOWER EAST SIDE™** and **LES NYC®** stylized designs that are released, sold and offered for sale by Plaintiff and his **LES CLOTHING CO.™** business





16. Plaintiff sells, and promotes the sale of his clothing via his website [www.lesclothing.com](http://www.lesclothing.com), through social media promotions including but not limited to Instagram and Facebook, and his t-shirts, sweaters caps and other clothing items are also available for sale in several retail locations in New York and other States. From 2012 to 2015 Plaintiff also maintained a Flagship LES Clothing Co. store located at 43 Clinton Street, New York, NY 10002.



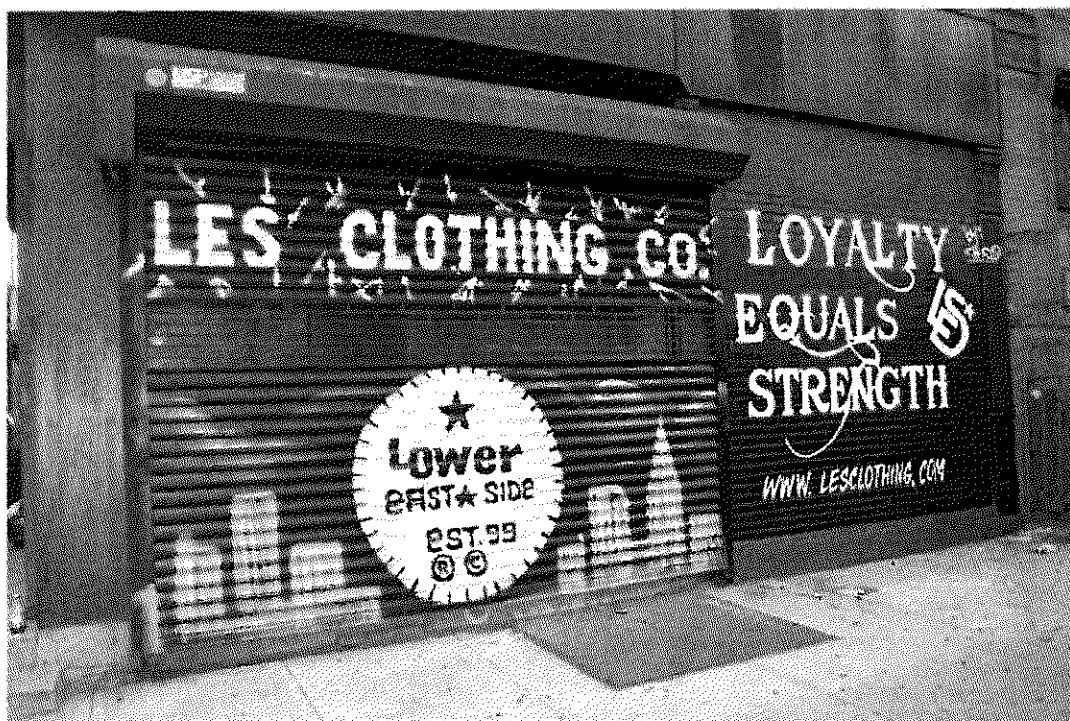




17. Plaintiff advertises his **LES CLOTHING CO™**, **LOWER EAST SIDE™**, **THE LOWER™**, **LEST™** and **LES NYC®** brands and clothing items through flyers, posters, stickers and through grass root street marketing methods such as painted “street murals.” Plaintiff also regularly conducts photo shoots of customers who purchase his **LOWER EAST SIDE™** and **LES NYC®** clothing items to be included in magazine advertisements and other marketing materials.

18. Plaintiff has a social media following of over twenty thousand 20,000 combined followers for his **LOWER EAST SIDE™** and **LES NYC®** clothing products and with his sponsored and/or affiliated social media friends and followers each individual post and product offering reaches an audience in the range of a hundred thousand 100,000 social media users and potential consumers of his clothing products.







19. The **LOWER EAST SIDE™** and **LES NYC®** brands and marks have acquired “secondary meaning” in the marketplace in connection with the sale and offering of clothing goods based on Plaintiff’s continuous and long-standing use of the mark in the apparel industry for nearly twenty (20) years.

20. When consumers of clothing products encounter the **LOWER EAST SIDE™** and **LES NYC®** marks in connection with apparel, they associate the **LOWER EAST SIDE™** and **LES NYC®** marks with Plaintiff and his **LES CLOTHING CO.™** company.

21. Plaintiff’s **LOWER EAST SIDE™** and **LES NYC®** clothing products enjoys a superlative reputation in the apparel industry.

22. Plaintiff’s **LOWER EAST SIDE™** and **LES NYC®** clothing items have been endorsed and worn by celebrities, actors and musicians, including but not limited to actor Luis Guzman and Curtis “50 CENT” Jackson.



23. Plaintiff's **LOWER EAST SIDE™** and **LES NYC®** clothing items have also appeared in movies and on television shows including but not limited to **VH1's BLACK INK CREW**, and **VH1's LOVE & HIP HOP** television shows.

24. Plaintiff's **LOWER EAST SIDE™** and **LES NYC®** clothing items have been featured and advertised in national publications including but not limited to **XXL Magazine** and **Don Diva Magazine**.

25. Since at least as early as 2007, Plaintiff has been building a portfolio that consists of various trademarks and copyrights that act as business assets for his **LES CLOTHING CO.™** business.

26. Plaintiff only claims "exclusive use" rights of the **LOWER EAST SIDE™** and **LES NYC®** marks in connection with apparel and the promotion and sale thereof.

27. Plaintiff licenses the **LOWER EAST SIDE™** and **LES NYC®** marks and his copyrighted **LOWER EAST SIDE©** designs to third party clothing companies to be used on clothing goods under his direct control and authorization.

28. Plaintiff is the registered owner of New York State Trademark Registration No. R31067 and R32849 both for the mark **LOWER EAST SIDE™**. (See Exhibit A).

29. Plaintiff is the registered owner of United States Trademark Registration No. 4,549,880 for the mark **LES NYC®** which is the abbreviation and/or acronym for the mark **LOWER EAST SIDE NEW YORK CITY™**. (See Exhibit B).

30. Plaintiff is the registered owner of United States Copyright Registration No. VA 1-765-666 for the work under the title **L.E.S. Cap.** (See Exhibit C).



31. Plaintiff is the registered owner of United States Copyright Registration No. VA 1-775-922 for the work under the title 537 design (“**the 537 numbers turned upside down spell LES™**”). (See Exhibit D).

32. Plaintiff is the registered owner of United States Copyright Registration No. VA 1-818-626 for the work under the title “L Hand” Design which L design is a representation for **LES™** and **LOWER EAST SIDE™**. (See Exhibit E).

33. The mark **LOWER EAST SIDE®** is a federally registered trademark under United States Trademark Registration No. 2,416,437 that has been rendered “**incontestable**” under Section 15 of the Trademark Act and is therefore not open to challenge as to its function as a trademark and brand name as it has been in continuous use as a brand name in excess of fifteen (15) years. (See Exhibit F).

34. Plaintiff has a Co-Existence Agreement with Payless Shoesource Worldwide, Inc. who is the owner of United States Trademark Registration No. 2,416,437 for the mark **LOWER EAST SIDE®**, which allows the parties to co-exist in the marketplace and both utilize the **LOWER EAST SIDE™** mark but limits Payless’s use of the mark to “**footwear**” and grants and/or limits Plaintiff’s rights in the **LOWER EAST SIDE™** mark to “**t-shirts, sweaters, headwear**” and all other forms of clothing that exclude footwear.

35. By virtue of his Co-Existence Agreement with Payless Shoesource Worldwide, Inc. regarding use of the **LOWER EAST SIDE®** mark, Plaintiff claims joint ownership in United States Trademark Registration No. 2,416,437 for the mark **LOWER EAST SIDE®** and has standing to bring this trademark infringement action under all applicable federal laws and statutes.

36. Although Plaintiff has been using his **LOWER EAST SIDE™** and **LES NYC®** marks since at least 1997, in 2007, Plaintiff took the necessary precautions in protecting his business assets and began building a portfolio of various trademark and copyrights assets to

protect the brand names, designs and images that he offers under his **LES CLOTHING CO.™** apparel business.

37. As a small business owner, Plaintiff has aggressively policed and enforced his rights in his intellectual property business assets against clothing retailers and ecommerce entities that manufacture, print, advertise, promote, sell and/or offer for sale clothing and similar items that violate Plaintiff's trademarks and/or copyrighted designs.

38. Defendant True Religion Sales, LLC is a retailer of apparel products and has flagship retail clothing stores worldwide. Defendant True Religion Sales, LLC also distributes its clothing products through major retailers including but not limited to Macy's.

39. Defendant True Religion Sales, LLC also operates an online retail clothing store via the Ebay selling platform.

40. Plaintiff is informed and believes and thereon alleges that Defendant True Religion Sales, LLC is manufacturing, marketing, promoting, selling and offering for sale a t-shirt bearing Plaintiff's **LOWER EAST SIDE™** and **LES NYC®** marks on its Ebay retail store which violates Plaintiff's trademark rights in the aforementioned marks. (See Exhibit G).

41. Defendant True Religion's use of Plaintiff's trademarks has already caused confusion and is likely to continue to cause confusion as to the source of clothing products under the **LOWER EAST SIDE™** and/or **LES NYC®** marks.

42. Defendant True Religion's continued use of any variation of Plaintiff's **LOWER EAST SIDE™** and/or **LES NYC®** marks is likely to continue to cause confusion as to the source of apparel products under the aforementioned marks.

43. Defendant True Religion's use of Plaintiff's trademarks is not considered a fair use as it is using the marks for commercial business purposes and for a profit.

44. Upon information and belief, Defendant True Religion is aware of Plaintiff's ownership rights and trademarks in the marks **LES NYC®** and **LOWER EAST SIDE™**.

45. Defendant True Religion's infringement of Plaintiff's trademarks is willful as it is aware of the infringing content it is selling and offering for sale.

46. Defendant True Religion has acted in bad faith in using Plaintiff's trademarks as it has attempted to palm off the good will and reputation that Plaintiff has built in his **LES NYC®** and **LOWER EAST SIDE™** marks.

47. Defendant Chari & Co is a retailer of apparel products and has a flagship retail store located at 175 Stanton Street, New York, New York 10002, directly around the corner from where Plaintiff's LES Clothing Co. store was located from 2012 to 2015.

48. Defendant Chari & Co. also operates an online retail clothing store via the website [www.chariandconyc.com](http://www.chariandconyc.com).

49. Plaintiff is informed and believes and thereon alleges that Defendant Chari & Co. is manufacturing, marketing, promoting, selling and offering for sale t-shirts, jackets and other clothing items bearing Plaintiff's **LOWER EAST SIDE™** and **LES NYC®** marks at its flagship retail store and via its [www.chariandconyc.com](http://www.chariandconyc.com) website which violate Plaintiff's trademark rights in the aforementioned marks. (See Exhibit H).

50. In addition to Defendant Chari & Co. using Plaintiff's **LOWER EAST SIDE™** and **LES NYC®** marks directly printed on various clothing items, it also uses Plaintiff's aforementioned trademarks in its private labeling and hangtags of its clothing products in a trademark brand sense and as a source indicator.

51. Defendant Chari & Co.'s use of Plaintiff's trademarks has already caused confusion and is likely to continue to cause confusion as to the source of clothing products under the **LOWER EAST SIDE™** and/or **LES NYC®** marks.



52. Defendant Chari & Co.'s continued use of any variation of Plaintiff's **LOWER EAST SIDE™** and/or **LES NYC®** marks is likely to continue to cause confusion as to the source of apparel products under the aforementioned marks.

53. Defendant Chari & Co.'s use of Plaintiff's trademarks is not considered a fair use as it is using the marks for commercial business purposes and for a profit.

54. Upon information and belief, Defendant Chari & Co. is aware of Plaintiff's ownership rights and trademarks in the marks **LES NYC®** and **LOWER EAST SIDE™**.

55. Defendant Chari & Co.'s infringement of Plaintiff's trademarks is willful as it is aware of the infringing content it is selling and offering for sale from its website and flagship retail store.

56. Defendant Chari & Co. has acted in bad faith in using Plaintiff's trademarks as it has attempted to palm off the good will and reputation that Plaintiff has built in his **LES NYC®** and **LOWER EAST SIDE™** marks.

57. Defendant Project Social T, LLC is a retailer of apparel products worldwide and distributes its clothing products through major retailers including but not limited to Urban Outfitters, Nordstrom and other major clothing retail stores.

58. Defendant Project Social T, LLC also operates an online retail clothing store via its website [www.projectsocalt.com](http://www.projectsocalt.com).

59. Plaintiff is informed and believes and thereon alleges that Defendant Project Social T, LLC has manufactured, marketing, promoted, offered for sale and sold a t-shirt bearing Plaintiff's **LOWER EAST SIDE™** and **LES NYC®** marks via its website and through its retail distribution stores which violated Plaintiff's trademark rights in the aforementioned marks.

60. Defendant Project Social T's use of Plaintiff's trademarks has already caused confusion and is likely to continue to cause confusion as to the source of clothing products under the **LOWER EAST SIDE™** and/or **LES NYC®** marks.

61. Defendant Project Social T's continued use of any variation of Plaintiff's **LOWER EAST SIDE™** and/or **LES NYC®** marks is likely to continue to cause confusion as to the source of apparel products under the aforementioned marks.

62. Defendant Project Social T's use of Plaintiff's trademarks is not considered a fair use as it is using the marks for commercial business purposes and for a profit.

63. Upon information and belief, Defendant Project Social T is aware of Plaintiff's ownership rights and trademarks in the marks **LES NYC®** and **LOWER EAST SIDE™**.

64. Defendant Project Social T's infringement of Plaintiff's trademarks is willful as it is aware of the infringing content it is selling and offering for sale.

65. Defendant Project Social T has acted in bad faith in using Plaintiff's trademarks as it has attempted to palm off the good will and reputation that Plaintiff has built in his **LES NYC®** and **LOWER EAST SIDE™** marks.

66. Defendant Bowery Apparel, LLC is a retailer of apparel products worldwide and distributes its clothing products through major retailers including but not limited to Macy's and other major clothing retail stores.

67. Defendant Bowery Apparel, LLC also operates an online retail clothing store via its website [www.boweryclothing.com](http://www.boweryclothing.com).

68. Plaintiff is informed and believes and thereon alleges that Defendant Bowery Apparel, LLC has manufactured, marketing, promoted, offered for sale and sold various t-shirts bearing Plaintiff's **LOWER EAST SIDE™** and **LES NYC®** marks via its website and through

its retail distribution stores which violated Plaintiff's trademark rights in the aforementioned marks.

69. Defendant Bowery Apparel LLC's use of Plaintiff's trademarks has already caused confusion and is likely to continue to cause confusion as to the source of clothing products under the **LOWER EAST SIDE™** and/or **LES NYC®** marks.

70. Defendant Bowery Apparel LLC's continued use of any variation of Plaintiff's **LOWER EAST SIDE™** and/or **LES NYC®** marks is likely to continue to cause confusion as to the source of apparel products under the aforementioned marks.

71. Defendant Bowery Apparel LLC's use of Plaintiff's trademarks is not considered a fair use as it is using the marks for commercial business purposes and for a profit.

72. Upon information and belief, Defendant Bowery Apparel LLC is aware of Plaintiff's ownership rights and trademarks in the marks **LES NYC®** and **LOWER EAST SIDE™**.

73. Defendant Bowery Apparel LLC's infringement of Plaintiff's trademarks is willful as it is aware of the infringing content it is selling and/or offered for sale.

74. Defendant Bowery Apparel LLC has acted in bad faith in using Plaintiff's trademarks as it has attempted to palm off the good will and reputation that Plaintiff has built in his **LES NYC®** and **LOWER EAST SIDE™** marks.

75. Defendant Pint Size Ink, Inc. ("PSI") operates a tattoo shop under the name Grit n Glory located at 186 Orchard Street which also sells apparel products including t-shirts and hoodies.

76. Defendant PSI also operates an online retail clothing store via the website [www.gritnglory.com](http://www.gritnglory.com).



77. Plaintiff is informed and believes and thereon alleges that Defendant PSI is manufacturing, marketing, promoting, selling and offering for sale t-shirts, hoodies and other clothing items bearing Plaintiff's **LOWER EAST SIDE™** and **LES NYC®** marks at its store located at 186 Orchard Street and via its [www.gritnglory.com](http://www.gritnglory.com) website which violate Plaintiff's trademark rights in the aforementioned marks. (See Exhibit I).

78. Defendant PSI's use of Plaintiff's trademarks has already caused confusion and is likely to continue to cause confusion as to the source of clothing products under the **LOWER EAST SIDE™** and/or **LES NYC®** marks.

79. Defendant PSI's continued use of any variation of Plaintiff's **LOWER EAST SIDE™** and/or **LES NYC®** marks is likely to continue to cause confusion as to the source of apparel products under the aforementioned marks.

80. Defendant PSI's use of Plaintiff's trademarks is not considered a fair use as it is using the marks for commercial business purposes and for a profit.

81. Upon information and belief, Defendant PSI is aware of Plaintiff's ownership rights and trademarks in the marks **LES NYC®** and **LOWER EAST SIDE™**.

82. Defendant PSI's infringement of Plaintiff's trademarks is willful as it is aware of the infringing content it is selling and offering for sale from its website and flagship store.

83. Defendant PSI has acted in bad faith in using Plaintiff's trademarks as it has attempted to palm off the good will and reputation that Plaintiff has built in his **LES NYC®** and **LOWER EAST SIDE™** marks.

84. Defendant Speedy Romeo is a restaurant with a location at 63 Clinton Street, New York, NY 10002 which is only feet away from where Plaintiff had his LES Clothing Co.

Flagship store at 43 Clinton Street and Defendant Speedy Romeo operates an online retail clothing store via the website [www.speedyromeo.com](http://www.speedyromeo.com).

85. Plaintiff is informed and believes and thereon alleges that Defendant Speedy Romeo is manufacturing, marketing, promoting, selling and offering for a sale t-shirt bearing Plaintiff's **LOWER EAST SIDE™** mark via its [www.speedyromeo.com](http://www.speedyromeo.com) website which violate Plaintiff's trademark rights in the aforementioned mark. (See Exhibit J).

86. Defendant Speedy Romeo's use of Plaintiff's trademarks has already caused confusion and is likely to continue to cause confusion as to the source of clothing products under the **LOWER EAST SIDE™** and/or **LES NYC®** marks.

87. Defendant Speedy Romeo's continued use of any variation of Plaintiff's **LOWER EAST SIDE™** and/or **LES NYC®** marks is likely to continue to cause confusion as to the source of apparel products under the aforementioned marks.

88. Defendant Speedy Romeo's use of Plaintiff's trademarks is not considered a fair use as it is using the marks for commercial business purposes and for a profit.

89. Upon information and belief, Defendant Speedy Romeo is aware of Plaintiff's ownership rights and trademarks in the marks **LES NYC®** and **LOWER EAST SIDE™**.

90. Defendant Speedy Romeo's infringement of Plaintiff's trademarks is willful as it is aware of the infringing content it is selling and offering for sale from its website.

91. Defendant Speedy Romeo has acted in bad faith in using Plaintiff's trademarks as it has attempted to palm off the good will and reputation that Plaintiff has built in his **LES NYC®** and **LOWER EAST SIDE™** marks.

92. Plaintiff was been contacted by several long-standing customer of his **LES CLOTHING CO™** **LOWER EAST SIDE™** and **LES NYC®** clothing products regarding the

**LOWER EAST SIDE™** and **LEST™** branded products that are offered and sold by each Defendant named in this action thinking the products were sponsored, affiliated and/or done in collaboration with Plaintiff and his **LES Clothing Co™** company and business.

**FIRST CAUSE OF ACTION**  
**TRADEMARK INFRINGEMENT (15 U.S.C. §§ 1114-1116)**

93. Plaintiff repeats and realleges each and every allegation contained in Paragraphs 1 through 92 of this Complaint.

94. The use in commerce by Defendants of an identical and slightly identical version of Plaintiff's registered trademark is likely to cause confusion, mistake and deception among members of the public and in trade as to the source, origin, or sponsorship of defendants' goods and services. Such use by Defendants constitutes a clear and direct infringement of Plaintiff's rights in and to Plaintiff's registered trademark, and has resulted in injury and damage to Plaintiff that will continue if Defendants are not ordered to cease all use of the **LES NYC®** and **LOWER EAST SIDE™** marks.

**SECOND CAUSE OF ACTION**  
**UNFAIR COMPETITION & FALSE DESIGNATION OF ORIGIN (15 U.S.C. § 1125(a))**

95. Plaintiff repeats and realleges each and every allegation contained in Paragraphs 1 through 94 of this Complaint.

96. Plaintiff has the exclusive right to market, brand and provide clothing related goods using the **LES NYC®** and **LOWER EAST SIDE™** marks.

97. Defendants by reason of the aforementioned acts, have falsely described, represented and designated the origin of its goods and services. Defendants' activities already have confused the public into believing that Defendants and Plaintiff's clothing goods and



accessories come from one and the same source, and defendants continued activities are likely to create further confusion and deceive the public concerning the source of the goods/services.

98. Defendants have unfairly profited from the actions alleged herein and will continue to unfairly profit and become unjustly enriched unless and until such conduct is enjoined by this Court.

99. By reason of Defendants willful acts conducted in conscious disregard for Plaintiff's rights, Plaintiff is entitled to treble damages under 15 U.S.C. § 1117(a).

### **THIRD CAUSE OF ACTION COMMON LAW TRADEMARK INFRINGEMENT & UNFAIR COMPETITION**

100. Plaintiff repeats and realleges each and every allegation contained in Paragraphs 1 through 99 of this Complaint.

101. Defendants conduct constitutes deception by which Defendants goods will be palmed off as those of Plaintiff. Such conduct constitutes trademark infringement and unfair competition in violation of the laws of the State of New York.

102. Defendants unauthorized use of Plaintiff's **LOWER EAST SIDE™** and **LES NYC®** marks is likely to continue to cause further confusion to the public as to the clothing goods and accessories of the respective parties.

103. By reason of the foregoing, Defendants have infringed and continues to infringe on Plaintiff's common law rights in the **LOWER EAST SIDE™** and **LES NYC®** marks and Defendants have become unjustly enriched by such acts of infringement.

104. Defendants unlawful conduct has been and will continue to be willful or willfully blind to Plaintiff's rights, as Defendant has reason to know of Plaintiff's rights.

**FOURTH CAUSE OF ACTION  
UNJUST ENRICHMENT**

105. Plaintiff repeats and realleges each and every allegation contained in Paragraphs 1 through 66 of this Complaint.

106. Defendants has\ve unjustly retained profits from the sale of clothing goods and accessories bearing Plaintiff's **LOWER EAST SIDE™** and/or **LES NYC®** marks.

107. Defendant's actions constitute unjust enrichment.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully prays for relief as follows:

1. Entry of an order and judgment requiring that all Defendants, its subsidiaries, officers, agents, servants, employees, owners, and representatives, and all other persons or entities in active concert or participation with them, be preliminarily and, thereafter, permanently enjoined and restrained from (a) using in any manner the trade name, trademark, domain name or other indicia or origin, including in whole or part the term **LOWER EAST SIDE™**, **LES NYC®**, or any colorable imitation thereof; (b) advertising, operating a website, using business stationary or offering any goods or services using the trade name, trademark, domain name, URL, or any other indicia of origin including in whole or part the term **LES NYC®**, or any colorable imitation thereof; (c) otherwise engaging in any acts of unfair competition and infringement which tend to injure Plaintiff's rights in the **LES NYC®** mark.

2. That Defendants be required to account to Plaintiff for any and all profits derived by it, and to compensate Plaintiff for all the damages sustained by reason of the acts complained of herein, and that the damages herein be trebled pursuant to the Trademark Act.

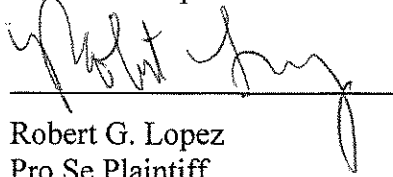
3. That Defendants be ordered to deliver up for destruction any and all infringing materials bearing the **LOWER EAST SIDE™** and **LES NYC®** marks, and any colorable imitation thereof, in whole or part.
4. That Plaintiff be awarded punitive damages.
5. That Defendants be required to place advertisements or send notifications to past and present customers that it improperly has been using the **LOWER EAST SIDE™** and/or **LES NYC®** marks.
6. That Plaintiff be awarded statutory damages in the amount of \$1,000,000.00 for Defendants acts of willful infringement.
7. That Plaintiff be awarded the cost and disbursements of this action.
8. That Plaintiff have such other and further relief as the Court deems just and proper.

### **JURY DEMAND**

Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiff hereby demands a trial by jury as to all issues.

Dated: November 13, 2018  
New York, New York

Respectfully submitted,  
Robert G. Lopez – Pro Se



Robert G. Lopez  
Pro Se Plaintiff  
230 Clinton Street – Apt. #11C  
New York, New York 10002  
(917) 868-1698

**EXHIBIT A**



## ***New York State Department of State Certificate of Trademark Registration***

*I Daniel E. Shapiro, Special Deputy Secretary of State, do certify that the Trademark described below and depicted on the attached copy has been duly registered in this Department pursuant to Article 24 of the General Business Law. This registration will remain in force for TEN years from the Date of Registration.*

**Registration Number:** R31067 **Registration Date:** 06/06/07

**Applicant:** ROBERT G. LOPEZ  
230 CLINTON STREET APT. #11C  
NEW YORK NY 10002-

**State of Incorporation or  
Partnership Organization:**

**Class Numbers:** 25

**Date First Used in NYS:** 12/1999 **Date First Used Anywhere** 12/1999

**Trademark Description:**

LOWER EAST SIDE

*The mark is comprised of the words "Lower East Side" In stylized letters with an underline and overline.*

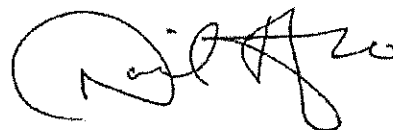
**Description of Goods:**

*Clothing, namely, T-shirts, Hooded Sweatshirts, Vest, Hats and Caps as adopted from the USPTO.*

**WITNESS** *my hand and the seal of the State of New York In  
the City of Albany on this:*

*Thursday, August 16, 2007*

*by:*



**Special Deputy Secretary of State**

DOS-690 (Rev. 3/01)



## ***New York State Department of State Certificate of Trademark Registration***

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*I, Anthony Giardina, Executive Deputy Secretary of State, do certify that the Trademark described below and depicted on the attached copy has been duly registered in this Department pursuant to Article 24 of the General Business Law. This registration will remain in force for TEN years from the Date of Registration.*

**Registration Number:** R32849 **Registration Date:** 08/09/16

**Applicant:** **ROBERT G. LOPEZ**  
230 CLINTON ST. - APT. 11C  
NEW YORK NY 10002-

**State of Incorporation or  
Partnership Organization:**

**Class Numbers:** 25

**Date First Used in NYS:** 12/01/1999 **Date First Used Anywhere:** 12/01/1999

**Trademark Description:**

*The mark is comprised of the words LOWER EAST SIDE without claim to any particular font, style or design.*

**Description of Goods:** Clothing, namely; t-shirts, sweaters, shorts and headwear.

**WITNESS** *my hand and the seal of the State of New York In  
the City of Albany on this:*

**Thursday, August 11, 2016**

**by:**



**Executive Deputy Secretary of State**

**EXHIBIT B**

**United States of America**  
United States Patent and Trademark Office

**LES NYC**

**Reg. No. 4,549,880**

**Registered June 17, 2014**

**Int. Cl.: 25**

**TRADEMARK**

**PRINCIPAL REGISTER**

LOPEZ, ROBERT G. (UNITED STATES INDIVIDUAL)  
230 CLINTON STREET - APT. #11C  
NEW YORK, NY 10002

FOR: BASEBALL CAPS AND HATS; HOODED SWEATSHIRTS; SHORT-SLEEVED OR  
LONG-SLEEVED T-SHIRTS; T-SHIRTS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 12-0-1999; IN COMMERCE 12-0-1999.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-  
TICULAR FONT, STYLE, SIZE, OR COLOR.

SEC. 2(F).

SER. NO. 85-335,314, FILED 6-1-2011.

ALICE BENMAMAN, EXAMINING ATTORNEY



*Nichelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office



**EXHIBIT C**

## Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Maria A. Pallante*

Acting Register of Copyrights, United States of America

Registration Number  
VA 1-765-666

Effective date of  
registration:

January 20, 2011

### Title

Title of Work: L.E.S. Cap

### Completion/Publication

Year of Completion: 2011

Date of 1st Publication: January 20, 2011

Nation of 1st Publication: United States

### Author

\* Author: Robert G. Lopez

Author Created: photograph(s)

Work made for hire: No

Citizen of: United States

Domiciled in: United States

Year Born: 1976

### Copyright claimant

Copyright Claimant: Robert G. Lopez

230 Clinton Street, New York, NY, 10002, United States

### Certification

Name: Robert G. Lopez

Date: January 20, 2011

Correspondence: Yes

**EXHIBIT D**

## Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Maria A. Pallante*

Register of Copyrights, United States of America

Registration Number  
VA 1-775-922

Effective date of  
registration:

June 1, 2011

### Title

Title of Work: 537 Design

### Completion/Publication

Year of Completion: 2010

Date of 1st Publication: December 15, 2010

Nation of 1st Publication: United States

### Author

■ Author: Thomas Riley

Author Created: 2-D artwork

Work made for hire: Yes

Citizen of: United States

Domiciled in: United States

### Copyright claimant

Copyright Claimant: Robert G. Lopez

230 Clinton Street - #11C, New York, NY, 10002, United States

Transfer Statement: By written agreement

### Certification

Name: Robert G. Lopez

Date: June 1, 2011



**EXHIBIT E**

## Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Maria A. Pallante*

Register of Copyrights, United States of America

Registration Number  
**VA 1-818-626**

Effective date of  
registration:

April 21, 2012

### Title

Title of Work: "L Hand" Design

### Completion/Publication

Year of Completion: 2012

Date of 1st Publication: April 19, 2012

Nation of 1st Publication: United States

### Author

■ Author: Robert G Lopez

Author Created: photograph(s)

Work made for hire: No

Citizen of: United States

Domiciled in: United States

Year Born: 1976

### Copyright claimant

Copyright Claimant: Robert G. Lopez

230 Clinton Street - #11C, New York, NY, 10002, United States

### Certification

Name: Robert G. Lopez

Date: April 21, 2012

**EXHIBIT F**

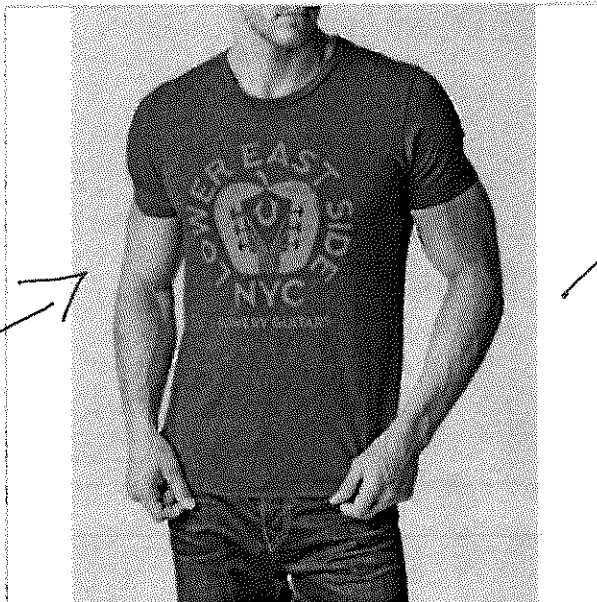
**EXHIBIT G**



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True Religion Bowery Lower East Side Mens T-Shirt

Condition: **New with tags**

Color: **09 Spruce Green**

Size (Men's): **L**

Quantity: **1** More than 10 available

Price: **US \$68.00**

Shipping: **FREE Standard Shipping** | [See details](#)  
 Item location: Los Angeles, California, United States  
 Ships to: United States | [See restrictions](#)

Delivery: **Estimated on or before Thu. Oct. 04 to 10002**

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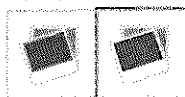
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Seller assumes all responsibility for this listing.

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\$0.00 shipping for each additional eligible item you buy from truereligion.

Item location: Los Angeles, California, United States

Shipping to: United States

Excludes: APO/FPO, US Protectorates, Africa, Asia, Central America and Caribbean, Europe, Middle East, North America, Oceania, Southeast Asia, South America, PO Box

Quantity: 1

Change country: United States

ZIP Code: 10002

Get Rates

Shipping and handling

To

Service

Delivery\*

Free shipping

United States

Standard Shipping

On or before Thu. Oct. 04 to 10002

\* Estimated delivery dates include seller's handling time, origin ZIP Code, destination ZIP Code and time of acceptance and will depend on shipping service selected and receipt of cleared payment. Delivery for may vary, especially during peak periods.

Return policy

After receiving the item, contact seller within

Refund will be given as

Return shipping

30 days


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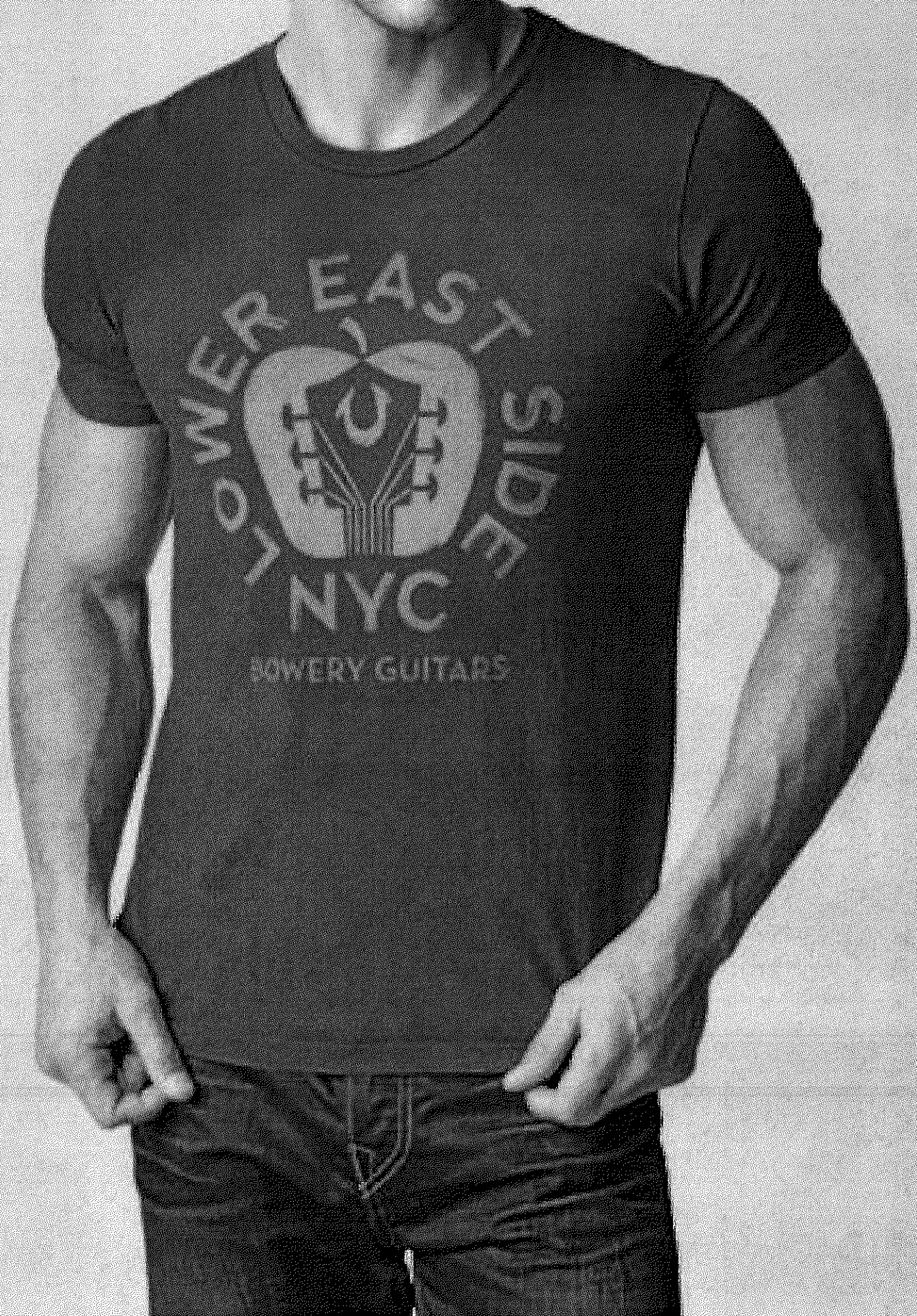
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**EXHIBIT H**

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LES NYC USA T-SHIRT

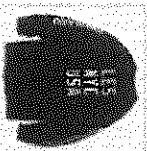
2,560円 PRICE ¥3,402 (税込) 5,400円以上で送料無料

SIZE	S	M	L	XL
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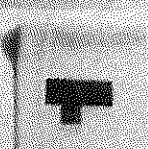
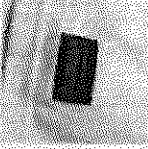
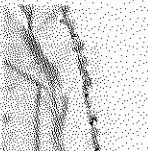
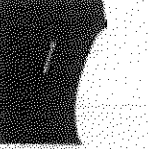
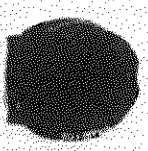
COLOR	WHITE	BLACK	NAVY
	x	x	x

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COLOR



Image



LES NYC USA T-SHIRT  
Fabric COTTON 100%  
Origin Mexico

SIZE	S	M	L	XL
身長	155cm	165cm	175cm	185cm
胸囲	85cm	95cm	105cm	115cm



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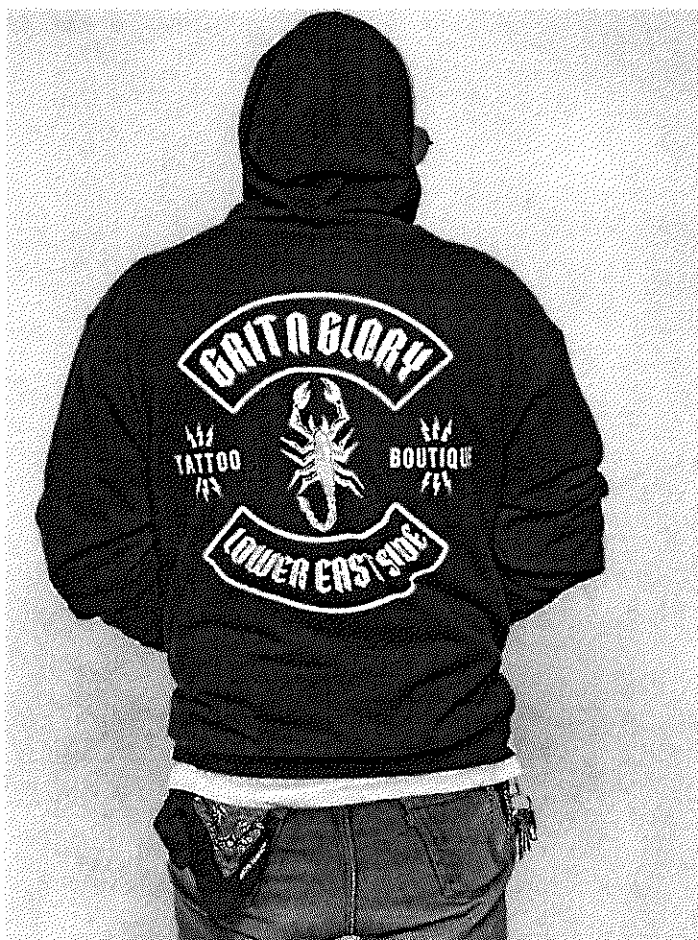
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SALE

MARK WEISS

TATTOO

Home > Mens > GNG Scorpion Zip hoodie



## GNG SCORPION ZIP HOODIE

\$45.00 USD

Grit N Glory's exclusive Scorpion Zip Hoodie. These ultra soft unisex black feature a GNG Chain graphic on the front and distressed Scorpion back gray fleece hoodie is perfect for the fall and features a cozy jersey lined hood.

80% ring spun cotton

20% polyester

Size

extra large

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# GRIT N GLORY

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TATTOO

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## COBRA TEE

\$30.00 USD

From Grit N Glory's winter 2017-18 Cult Classic Collection the unisex Cobra, soft, white tee features a 8 movie inspired Cobra graphic which reads "Grit Classic Lower East Side New York City".

Due to the distressed nature of the graphic, some print variations may occur.

100% cotton

James is 6' tall wearing a medium

Alex is wearing an extra small

### Size

extra small

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## LOWER EAST SIDE T-SHIRT

\$20.00

Under your Orchard street butter leather or sherling

Black jersey cotton fitted short sleeve Tshirt

Size

Medium



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